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## ***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

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<i>Confirmation No.:</i>	8873	}	
		}	
<i>Application No.:</i>	10/646,125	}	
		}	
<i>Invention:</i>	ARRANGEMENT AND METHOD FOR PERFORMING CHROMATOGRAPHY	}	<b>DATED: MAY 17, 2006</b>
		}	
<i>Inventor:</i>	David Nurok et al.	}	
		}	
<i>Filed:</i>	August 22, 2003	}	
		}	
<i>Attorney Docket:</i>	29920-73303	}	
		}	
<i>Examiner:</i>	Therkorn, Ernest G.	}	

## **RESPONSE TO ACCOMPANY REQUEST FOR CONTINUED EXAMINATION**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the December 9, 2005 Office Action, and contemporaneously with the filing of a Request for Continued Examination, Applicants submit of the following.

**Remarks** begin on page 2 of this paper.

**Exhibit A** begins on page 4 of this paper..

### REMARKS

Reconsideration of the above-identified patent application is respectfully requested.

Claims 1-12 are pending in this application, of which claims 3 and 4 have been previously withdrawn from consideration. Claims 1, 2, and 5-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Journal of Planar Chromatography, Vol. 11, pages 244-246 by Nurok ("Nurok") in view of U.S. Patent Serial No. 3,864,250 to Perry ("Perry"). Claims 11 and 12 also stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nurok in view of Perry in further view of U.S. Patent Serial No. 4,671,870 to Tompa ("Tompa"). Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nurok in view of Perry in further view of U.S. Patent Serial No. 5,248,426 to Stillian ("Stillian").

### Nurok Is Not Prior Art

Nurok, Journal of Planar Chromatography, Vol. 11, pages 244-246, authored by Nurok, et al., is not a prior art reference to the present application. The date listed on Nurok (i.e., "JULY/AUGUST 1998") is not the publication date of Nurok. **Rather, Nurok was published on October 26, 1998.** Referring to Exhibit A, attached hereto, a letter from the Editor-in-Chief of the Journal of Planar Chromatography confirms that the Nurok reference (i.e., the paper entitled "The Performance of Planar Chromatography using Electroosmotic Flow") was included in issue 4/1998 (Vol. 11), pages 244-246, which **was published on October 26, 1998.** Therefore, the publication date of Nurok is October 26, 1998.

Turning now to the present patent application, this patent application, Patent Application Serial No. 10/646,125, is a divisional of U.S. Patent 6,610,202, which is a Continuation of U.S. Patent 6,303,029. The U.S. Patent 6,303,029 was filed on October 25, 1999. The present patent application claims the benefit of U.S. Patent 6,303,029 and, as such, enjoys an earliest priority date of October 25, 1999. Because Nurok was published on October 26, 1998 and the earliest priority date of the present patent application is October 26, 1999, Nurok is not a prior art reference to the present application.

§103(a) Rejections - Nurok and Perry

The Examiner rejected claims 1, 2, and 5-12 as being unpatentable over Nurok in view of Perry. However, as discussed above, Nurok is not a prior art reference to the present patent application. As such, Applicants respectfully request that the present rejection be withdrawn.

§103(a) Rejections - Nurok, Perry, and Tompa

The Examiner also rejected claims 11 and 12 as being unpatentable over Nurok in view of Perry and in further view of Tompa. Again, as discussed above, Nurok is not a prior art reference to the present patent application. As such, Applicants respectfully request that the present rejection be withdrawn.

For at least the reasons provided above, Applicants believe that claims 1, 2, 5-12 are in condition for allowance, and such action is respectfully requested. It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg LLP, Deposit Account No. 10-0435 with reference to file 29920-73303.

Respectfully submitted



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**EXHIBIT A**



**Journal of Planar  
Chromatography**  
– Modern TLC

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Budakalász, June 17, 1999

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*Dear Professor Nurok,*

Let me confirm herewith that issue 4/1998 (Vol. 11) of the *Journal of Planar Chromatography – Modern TLC* – In which your paper entitled "*The Performance of Planar Chromatography using Electroosmotic Flow*" (authors: D. Nurok, M.C. Frost, C.L. Pritchard, D.M. Chenoweth) has been included (244–246) – was published on October 26, 1998.

With kind regards,

**Prof. Dr. Sz. Nyiredy**  
Editor-in-Chief